



Order Filed on November 2, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

ATKINSON & DEBARTOLO, P.C
The Galleria, 2 Bridge Avenue, P.O. Box 8415
Red Bank, New Jersey 07701
BA 9186
Attorney for: Debtor, Alexander Figliolia

LAW OFFICE OF JUSTIN A. ZELLER, P.C.
277 Broadway, Suite 408
New York, N.Y. 10007-2036
Attorney for: Creditor, Segundo Marcial Saeteros-
Campoverde

IN RE:

ALEXANDER J. FIGLIOLIA,

Debtor-In-Possession.

Case No. 17-20755/MBK

Hearing Date: 09/17/18 @ 10:00 a.m.

Judge: Honorable Michael B. Kaplan

**CONSENT ORDER REGARDING MOTION TO EXPUNGE PROOF OF CLAIM
#15, RELIEF FROM THE AUTOMATIC STAY**

____ The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED.

DATED: November 2, 2018

A handwritten signature in black ink, appearing to read "Michael B. Kaplan".

Honorable Michael B. Kaplan
United States Bankruptcy Judge

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Debtor: Alexander J. Figliolia

Case No.: 17-20755

Caption of Order: CONSENT ORDER REGARDING MOTION TO EXPUNGE PROOF OF
CLAIM #15, RELIEF FROM THE AUTOMATIC STAY

THIS MATTER having been opened to the Court by Atkinson & DeBartolo, P.C., attorneys for the Debtor, Alexander J. Figliolia (hereinafter “the Debtor”), on a Notice of Motion seeking to expunge Proof of Claim No. 15 of Seguendo Marcial Saeteros-Campoverde (hereinafter “Campoverde”), and an opposition to the Notice of Motion having been filed by the Law Offices of Justin A. Zeller, P.C., attorneys for the creditor, Brandon D. Sherr, Esq., appearing, and the parties having consented to the entry of this Order to amicably resolve the issues before the Court, and for good cause shown, it is ordered as follows:

1. The Notice of Motion seeking to expunge Proof of Claim No. 15 of Campoverde is denied without prejudice. The validity and the extent of the claim shall be determined in the matter entitled “*Campoverde v. Alex Figliolia Water & Sewer, LLC*, Docket No. 15-CV-7353 pending in the United States District Court for the Eastern District of New York.
2. Campoverde is granted limited relief from the stay, including the filing of any appeal of any judgment, solely for the purpose of continuing with the litigation pending in the United States District Court for the Eastern District of New York, to determine if Debtor is liable for the claim of the Plaintiff, and if liable the extent of the claim. In the event Judgment is entered against the Debtor for the pre-petition claim, it shall be treated as a claim in the Debtor’s Chapter 11 Disclosure Statement and Plan and Campoverde shall amend his Proof of Claim consistent with the Judgment. Any judgment entered against Figliolia is a pre-petition debt and shall only be collectible pursuant to the provisions of

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Debtor: Alexander J. Figliolia

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the United States Bankruptcy Code and any confirmed Plan. Any judgment entered
against Figliolia shall not be a lien on asset of the Debtor Estate or upon any post-petition
property of Figliolia.

3. In the event it is determined the Debtor is not liable individually for the claim of
Campoverde, Campoverde shall file a withdrawal of his Proof of Claim, and shall not be
entitled to participate in any distribution to creditors of the Debtor Estate.

I HEREBY CONSENT TO THE FORM AND ENTRY OF THIS JOINT ORDER.

LAW OFFICES OF JUSTIN A. ZELLER PC
Attorneys for Seguendo Marcial
Saeteros-Campoverde

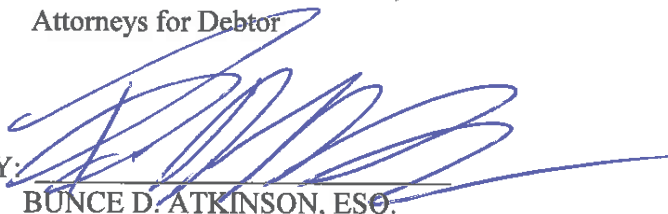
ATKINSON & DeBARTOLO, PC
Attorneys for Debtor

BY:



BRANDON D. SHERR, ESQ.

BY:



BUNCE D. ATKINSON, ESQ.

Imaged Certificate of Notice Page 4 of 4

United States Bankruptcy Court
District of New JerseyIn re:
Alexander J Figliolia
DebtorCase No. 17-20755-MBK
Chapter 11**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Nov 02, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 04, 2018.

db +Alexander J Figliolia, 105 Middletown Road, Holmdel, NJ 07733-2205

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 04, 2018

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 2, 2018 at the address(es) listed below:

Brandon David Sherr on behalf of Creditor Segundo Marcial Saeteros-Campoverde
bsherr@zellerlegal.com, mgutierrez@zellerlegal.com, jazeller@zellerlegal.com
Bunce Atkinson on behalf of Debtor Alexander J Figliolia bunceatkinson@aol.com
Bunce Atkinson on behalf of Accountant Barbara Rizzi bunceatkinson@aol.com
Bunce Atkinson on behalf of Attorney Atkinson & DeBartolo, PC bunceatkinson@aol.com,
NJ09@ecfcbis.com, maraujo@atkinsondebartolo.org
Lauren Bielskie on behalf of U.S. Trustee U.S. Trustee lauren.bielskie@usdoj.gov
Lauren Bielskie on behalf of U.S. Trustee United States Trustee lauren.bielskie@usdoj.gov
Melissa N. Licker on behalf of Creditor THE BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW
YORK as Trustee for CHL Mortgage Pass-Through Trust 2003-48 Mortgage Pass-Through Certificates,
Series 2003-48 by Nationstar Mortgage LLC, the servicer NJ_ECF_Notices@McCalla.com
Rebecca Ann Solarz on behalf of Creditor THE BANK OF NEW YORK MELLON, FKA THE BANK OF NEW
YORKSUCCESSOR INDENTURED TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS INDENTURED TRUSTEE FOR THE
CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2005-K rsolarz@kmlawgroup.com
Scott C. Pyfer on behalf of Plaintiff Filomena Napolitano scott@pyferlawgroup.com,
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scottpyfer@gmail.com
Sean M. O'Brien on behalf of Creditor THE BANK OF NEW YORK MELLON, FKA THE BANK OF NEW
YORKSUCCESSOR INDENTURED TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS INDENTURED TRUSTEE FOR THE
CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2005-K sobrien@flwlaw.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 15